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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/829,276 | 04/22/2004 | Tomoki Ohkawa | Q81191 | 6463 |
| 23373 | 7590 | 12/15/2005 | EXAMINER | |
| SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037 | | | CASCHERA, ANTONIO A | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2676 | |

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--|---------------------------------------|--|
| Office Action Summary | Application No. 10/829,276 | Applicant(s) OHKAWA, TOMOKI | |
| | Examiner Antonio A. Caschera | Art Unit 2676 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>04/22/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 04/22/04 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the cited foreign prior art is not accompanied with an English abstract. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

Specification

2. The disclosure is objected to because of the following informalities:
- a. The phrase, "...every the predetermined time..." appears throughout the specification and requires correction to possibly, "...every predetermined time..." (see lines 5-6 of Abstract, for example).

Appropriate correction is required.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: #S14 of Figure 13.

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Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

4. Claims 1, 10 and 11 are objected to because of the following informalities:
 - a. Claims 1, 10 and 11 also include the phrase, "...every the predetermined time..." (see lines 5-6 of claim 1, for example). Correction of these claims is required and a suggested amendment is seen above in regards to the objection of the specification.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mizuno (U.S. Patent 6,463,183 B2) in view of Tam et al. (U.S. Patent 5,754,186).

In reference to claims 1, 7 and 10, Mizuno discloses an image data processing method and apparatus and storage medium that extracts an object from an image and combines this object with another image to obtain a combined image without deteriorating picture quality (see column 2, lines 22-27). Mizuno discloses a computer system comprising a CPU, disk drive and a display, among other elements which extracts, for example, a tennis player's racket object from input moving image data which is stored in, possibly, the disk drive (see column 4, lines 37-39, column 5, lines 44-48 and column 6, lines 47-50). Note, the Office interprets that such extraction takes place at an equivalent to rate of, "every predetermined time" as the entire image data processing method of Mizuno is implemented by the CPU executing in a loop programming structure (see Figure 8 of Mizuno) and therefore, the "every predetermined time" is interpreted as equivalent to the time taken for the CPU to perform all instructions in one iteration of the loop. Mizuno discloses the moving image data being in the format of an MPEG1 video format (see column 7, lines 55-58). Mizuno also discloses storing the object in memory (see column 2, lines 28-31). Mizuno discloses combining the racket object, which is extracted from moving image data, with a background image (see column 6, lines 12-16). Mizuno also discloses rendering the combined data continuously as the rendering step is located within the CPU loop structure of Figure 8 in Mizuno. Although, Mizuno discloses combining extracted object data from moving data and combining such object data with a background image, Mizuno does not explicitly disclose extracting input drawing static information from a drawn input image. Tam et al. discloses a method and apparatus for blending of first and second images loaded into

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corresponding VRAM buffers (see column 3, lines 57-58 of Tam et al.). Tam et al. discloses the apparatus comprising a computer system which includes a writing device such as a pen or stylus that allows the user to write on the screen of a display (see column 5, lines 36-58 and column 6, lines 47-49). Tam et al. discloses “extracting” such drawing information from memory and combining it with other image data such as video data (see column 3, lines 61-66, column 6, lines 49-61, column 7, lines 1-36 and columns 7-8, lines 67-4). Note, the image control section, image combining section and image drawing sections of Applicant’s claims are interpreted functionally equivalent to the functions performed by the CPU of Mizuno. It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the pen/stylus and video based image combining techniques of Tam et al. with the image data processing techniques of Mizuno in order to allow the viewing of real-time user interaction data along with the computer system application data on a display simultaneously creating a more user friendly environment (see column 2, lines 34-49 of Tam et al.).

In reference to claims 2 and 8, Mizuno and Tam et al. disclose all of the claim limitations as applied to claims 1 and 7 respectively above. The Office interprets that such extraction takes place at an equivalent to rate of, “every predetermined time” as the entire image data processing method of Mizuno is implemented by the CPU executing in a loop programming structure (see Figure 8 of Mizuno) and therefore, the “every predetermined time” is interpreted as equivalent to the time taken for the CPU to perform all instructions in one iteration of the loop. This amount of time is interpreted as greater than the time from which an object is extracted from moving image data.

In reference to claims 3 and 9, Mizuno and Tam et al. disclose all of the claim limitations as applied to claims 1 and 7 respectively above. The computer system of Mizuno comprises a keyboard which allows the user to capture a “screen shot” of a display by depressing the Ctrl+Shift+Print Screen buttons at the same time and therefore, the Office interprets that Mizuno inherently comprises a screen capture signal allowing the user to capture an image of screen since such a keyboard function is well known in the art (Official Notice).

In reference to claim 4, Mizuno and Tam et al. disclose all of the claim limitations as applied to claim 1 above. Mizuno discloses storing the moving image data in either a memory device, disk drive or hard drive (see column 6, lines 47-50). Mizuno also discloses a rendering section found within the CPU looping structure of Mizuno’s image data processing methods, which determines whether distribution is present within the image data and based on this determination, uses original color information or produces new color information for the image data (see column 7, lines 20-35). Note, the Office interprets such color information production methods of Mizuno functionally equivalent to the “moving image reproducing section” of Applicant’s claim.

In reference to claim 5, Mizuno and Tam et al. disclose all of the claim limitations as applied to claim 1 above. Tam et al. discloses the pen or stylus creating “strokes” which comprise of engagement and disengagement points and position data in between these points representing the tracking motion of the stylus as it moves across the screen (see column 1, lines 49-62). Note, the Office interprets such “strokes” defined in a functionally equivalent format to a vector type of Applicant’s claim. Tam et al. discloses “extracting” such drawing information, “strokes,” from memory and combining it with other image data such as video data (see column

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3, lines 61-66, column 6, lines 49-61, column 7, lines 1-36 and columns 7-8, lines 67-4). Note, the image control section, image combining section and image drawing sections of Applicant's claims are interpreted functionally equivalent to the functions performed by the CPU of Mizuno. It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the pen/stylus and video based image combining techniques of Tam et al. with the image data processing techniques of Mizuno in order to allow the viewing of real-time user interaction data along with the computer system application data on a display simultaneously creating a more user friendly environment (see column 2, lines 34-49 of Tam et al.).

In reference to claim 6, Mizuno and Tam et al. disclose all of the claim limitations as applied to claim 5 above. Tam et al. discloses "stroke" data comprising coordinate data (see column 6, lines 49-54), width data and grayscale intensity data (see column 8, lines 16-21). Note, the Office interprets that the "points count" limitation of Applicant's claim is inherently found within the "stroke" data of Tam et al. since Tam et al. discloses the "stroke" data comprising coordinate and width data, which the Office interprets as inherently comprising a "points count."

6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mizuno (U.S. Patent 6,463,183 B2), Tam et al. (U.S. Patent 5,754,186) and further in view of Dempksi et al. (U.S. Publication 2004/0155902 A1).

In reference to claim 11, Mizuno discloses an image data processing method and apparatus and storage medium that extracts an object from an image and combines this object with another image to obtain a combined image without deteriorating picture quality (see column 2, lines 22-27). Mizuno discloses a computer system comprising a CPU, disk drive and a

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display, among other elements which extracts, for example, a tennis player's racket object from input moving image data which is stored in, possibly, the disk drive (see column 4, lines 37-39, column 5, lines 44-48 and column 6, lines 47-50). Note, the Office interprets that such extraction takes place at an equivalent to rate of, "every predetermined time" as the entire image data processing method of Mizuno is implemented by the CPU executing in a loop programming structure (see Figure 8 of Mizuno) and therefore, the "every predetermined time" is interpreted as equivalent to the time taken for the CPU to perform all instructions in one iteration of the loop. Mizuno discloses the moving image data being in the format of an MPEG1 video format (see column 7, lines 55-58). Mizuno also discloses storing the object in memory (see column 2, lines 28-31). Mizuno discloses combining the racket object, which is extracted from moving image data, with a background image (see column 6, lines 12-16). Mizuno also discloses rendering the combined data continuously as the rendering step is located within the CPU loop structure of Figure 8 in Mizuno. Although, Mizuno discloses combining extracted object data from moving data and combining such object data with a background image, Mizuno does not explicitly disclose extracting input drawing static information from a drawn input image. Tam et al. discloses a method and apparatus for blending of first and second images loaded into corresponding VRAM buffers (see column 3, lines 57-58 of Tam et al.). Tam et al. discloses the apparatus comprising a computer system which includes a writing device such as a pen or stylus that allows the user to write on the screen of a display (see column 5, lines 36-58 and column 6, lines 47-49). Tam et al. discloses "extracting" such drawing information from memory and combining it with other image data such as video data (see column 3, lines 61-66, column 6, lines 49-61, column 7, lines 1-36 and columns 7-8, lines 67-4). Note, the image control section,

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image combining section and image drawing sections of Applicant's claims are interpreted functionally equivalent to the functions performed by the CPU of Mizuno. It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the pen/stylus and video based image combining techniques of Tam et al. with the image data processing techniques of Mizuno in order to allow the viewing of real-time user interaction data along with the computer system application data on a display simultaneously creating a more user friendly environment (see column 2, lines 34-49 of Tam et al.). Neither Mizuno nor Tam et al. explicitly disclose their image data processing techniques within a teleconferencing environment however Dempski et al. does. Dempski et al. discloses a computer system in a teleconferencing environment for superimposing a computer-generated image onto a video image or vice versa (see paragraphs 5 and 11 of Dempski et al.). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the teleconference superimposing techniques of Dempski et al with the pen/stylus and video based image combining techniques of Tam et al. and image data processing techniques of Mizuno in order to allow multiple users to view, manipulate, and share data in a teleconferencing environment making it easier to communicate to users in remote locations (see paragraphs 2-3 of Dempski et al.).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Antonio Caschera whose telephone number is (571) 272-7781.

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The examiner can normally be reached Monday-Thursday and alternate Fridays between 7:30 AM and 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella, can be reached at (571) 272-7778.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231


or faxed to:

571-273-8300 (Central Fax)

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.



MATTHEW C. BELLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

aac

11/8/05